

UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF PUERTO RICO

WALDEMAR BURGOS-CHAPARRO,

Petitioner,

v.

UNITED STATES OF AMERICA

Respondent.

CIVIL NO. 04-1114 (PG)  
[Cr. No. 99-307 (PG)]

O R D E R

Upon careful review of the Magistrate Judge's Report and Recommendation (Docket No. 15), to which no objections were filed, the applicable case law, and the record of this case, the Magistrate Judge's Report and Recommendation is hereby **APPROVED AND ADOPTED**. As such, petitioner's 28 U.S.C. § 2255 motion is **GRANTED** on procedural grounds and his sentence is **VACATED**, with a resentencing hearing to be scheduled. Petitioner's motion is otherwise **DENIED**.

**SO ORDERED.**

In San Juan, Puerto Rico, July 21, 2005.

S/ JUAN M. PÉREZ-GIMÉNEZ  
JUAN M. PÉREZ-GIMÉNEZ  
UNITED STATES DISTRICT JUDGE